

MINUTES

The Tennessee State Board of Cosmetology held a meeting on March 3, 2008 at 9:00 a.m. CDT, in Nashville, Tennessee.

The following members were present: H. D. Adcock, Chairman, Linda Colley Vice Chairman, June Huckleby, Muriel Smith, Janet Wormsley, Hazel Moore, and Judy Golden. Lee Bowles and Nina Coppinger were not present.

Others present were: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and Debbie Gean, Administrative Assistant I.

Chairman H. D. Adcock welcomed everyone including instructors, students and school owners.

Chairman H. D. Adcock called for roll call.

MINUTES

MOTION was made by Ms. Linda Colley and seconded by Ms. Hazel Moore to accept the minutes from the February 4, 2008 board meeting. Motion carried unanimously.

APPEAR BEFORE THE BOARD

Ron Cohen – Tennessee Academy of Cosmetology – Memphis, TN – Present. Mr. Cohen was present to thank the board for all the years of help. Mr. Cohen has sold his school to Mr. William Oxley.

Chairman H. D. Adcock and Vice Chairman Linda Colley thanked him for coming to the board meeting.

ADMINISTRATIVE REPORT

Application for change of location for Volunteer Beauty Academy in Nashville was submitted to the office. The school will be relocating to 5338 Charlotte Pike, Nashville, Tennessee The floor plan was provided and it will be ready for inspection on or around March 20 or 21.

MOTION was made by Ms. Judy Golden and seconded by Ms. Hazel Moore to send a board member and inspector to inspect the change of location. Motion carried unanimously.

Application for change of location for Volunteer Beauty Academy in Madison was submitted to the office. The school will be moving down the sidewalk because the

landlord is relocating their space. A floor plan was provided. The school's address will remain the same.

MOTION was made by Ms. Judy Golden and seconded by Ms. Muriel Smith to send a board member and inspector to inspect the change of location. Motion carried unanimously.

Application for change of ownership for Tennessee Academy of Cosmetology I and Tennessee Academy of Cosmetology II in Memphis was submitted to the office. The new school owner will be Mr. William Oxley.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Judy Golden to accept the change of ownership. Motion carried unanimously.

A request for an extension from the 2007 cosmetology instructor seminar was submitted by Sonia Darnell. A medical statement was provided. The medical statement provided is not sufficient and Ms. Beverly Waller, Director contacted Ms. Darnell and requested Dr. Laird, her physician, fax another statement which states she had surgery July 18, 2007 and was unable to drive for four weeks and developed some problems with mandible nerves due to the surgery.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to grant the extension and request Ms. Darnell attend the 2008 and 2009 instructor seminars. Motion carried unanimously.

A request for an extension from the 2007 cosmetology instructor seminar was submitted from Jerry Biddle. A medical statement was provided. The initial documents sent were also sufficient and he had his physician fax the statement on Thursday, February 28, 2008 the confirmation that he had knee surgery June 6, 2007 at Baptist-Germantown Surgery Center.

MOTION was made by Ms. Judy Golden and seconded by Ms. Hazel Moore to grant the extension and request Mr. Biddle to attend the 2008 and 2009 instructor seminars. Motion carried unanimously.

A request from Kimberly Lear to have her instructor status placed in inactive was received in the office. Ms. Lear stated she had requested this in July but the Board office had no record of her request. Ms. Lear was required to attend the instructor seminar in 2007, but she did not attend.

The board requested that Ms. Beverly Waller, Executive Director write Ms. Lear stating that if she wants her license to be inactive she must attend the 2008 seminar before the status can be inactive.

A request for approval of the CEA (Cosmetology Educators of America) Annual Convention July 19-21, 2007 for Continuing Education Hours of 21.25 for required CEU's in Tennessee was submitted to the office.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to accept the request for approval of the CEU hours from the CEA Annual Convention. Motion carried unanimously.

A request for approval to take the cosmetology examination from April Fritz was submitted to the office. Ms. Fritz obtained her hours at New Wave Hair Academy from July 18, 2000 to October 17, 2001 totaling 991, this exceeds the required seven (7) years for completion of the curriculum when she was allowed to enroll at New Wave on August 21, 2007 and was told she could use those hours to complete the cosmetology curriculum. She is requesting to take the examination due to the schools error.

MOTION was made by Ms. Judy Golden and seconded by Ms. Janet Wormsley to allow Ms. Fritz to take her cosmetology exam. Motion carried unanimously.

Ms. Linda Colley requested that Ms. Beverly Waller, Executive Director to write the school and inform them of this mistake.

An application for reciprocity from Mansira Diene was submitted to the office. Ms. Diene has a Natural Hair Stylist license from the State of New York and the certification from the New York State board states she qualified by "Grandparenting Clause". She stated she received her training in Africa. Work history for employment with Africa Beauty. Inc., in New York was from 1997 to 2005.

MOTION was made by Ms. Judy Golden and seconded by Ms. Hazel Moore to grant reciprocity for Ms. Diene her Natural Hair Stylist license. Motion carried unanimously.

An application for reciprocity of Cosmetology Instructor license from Bonnie Lee Jonas was submitted to the office. Ms. Jonas completed 1,000 hours in the cosmetology curriculum in 1964 in Illinois and obtained her instructor hours working as a student teacher for 1,000 hours in 1970. She is retired and has not worked in the field of cosmetology for several years.

MOTION was made by Ms. Judy Golden and seconded by Ms. Hazel Moore to grant reciprocity for Ms. Jonas her cosmetology instructor license. Motion carried unanimously.

An application for reciprocity of cosmetology license from Jung Hyun Cho from South Korea was submitted to the office. Diploma provides 1,500 hours completed from April 15, 1997 to February 21, 1998 at The Dong Incheon Beauty Academy in Korea and she has confirmation of National Technical Qualification Holder as Beautician.

MOTION was made by Ms. Hazel Moore and seconded by Ms. Janet Wormsley to request Ms. Cho provide a five year work history for review by the board for reciprocity or if she is not able to provide the history request she take the cosmetology exam and pass to become licensed in the State of Tennessee. Motion carried unanimously.

Mr. Tony Nguyen would like to take the manicurist examination in Tennessee. Mr. Nguyen qualifies by having completed 600 hours at the Atlanta Beauty Academy. However, Mr. Nguyen has been caught working as a manicurist in a salon in Tennessee three (3) times in the last six (6) months by an inspector. Dates of June 22, 2007, January 11, 2008 and January 25, 2008. Apparently he decided he wanted to take the examination after the last time he was caught and he called PSI to register and they advised him he needed to contact the board office because Ms. Waller blocked him from taking the examination due to his behavior of working without a license. Ms. Waller advised him she would need to bring this matter before the board.

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to request Mr. Tony Nguyen come before the board. Motion carried unanimously.

A request from Nashville Cares for exemption from the requirement of a shop to perform "Manications" basically "Manicuring" was submitted to the board. They want to put a table and chair in a room and perform care of fingernails, including shaping and polishing combined with an exchange, chat, talk or discussion involving a trained educator and a client. They feel this would put the client in a more relaxed atmosphere.

Ms. Judy Golden requested that Nashville Cares come before the board to educate the board on the procedures.

A request from Adam Brown with Tennessee School of Beauty, Inc. was submitted to the office asking to begin offering some medical esthetics training. He is aware laser and such do not fall under the cosmetology board but he wants to know if they can offer a certificate if a doctor supervises, can they offer laser-type treatments?

Ms. Judy Golden stated that this would have to be a change in the laws. The board voted on whether they would like to procedure with this request and all voted no.

Ms. Beverly Waller, Executive Director asked board member Judy Golden to review all information submitted by Placeol and discuss with the Board.

Ms. Judy Golden stated that they would need to come before the board a give a demonstration on this product. She stated this may need to go under the medical board.

Information on all CEU Seminars in Tennessee was submitted to the board members.

Information concerning head and neck melanoma was submitted to the board for their information.

The board discussed contacting Peter Hunt, M.D., F.A.C.S. to possibly speak at the instructor seminars concerning melanoma.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to request Ms. Waller send a letter to each of the contact persons at the universities where the seminars are held, along with the letter from Dr. Hunt asking if they could have Dr. Hunt or someone discuss melanoma at the instructor seminars. Motion carried unanimously.

A request for aesthetician license from Anita Cook was submitted to the office. Ms. Cook is a licensed cosmetology instructor. Ms Cook received her cosmetology license February 2, 1990 and was upgraded to an instructor April 18, 2007. She teaches aesthetics theory and practical and is asking the board to grant her an aesthetician license.

MOTION was made by Ms. June Huckleby and seconded by Ms. Linda Colley that Ms. Cook can teach esthetics, but she can not practice esthetics in a shop. She must attend classes, obtain hours and pass the aesthetician examination to become a licensed aesthetician in the State of Tennessee. Motion carried unanimously.

A request from Quvadis Jackson for retention of hours past the seven (7) year requirement for completion of the cosmetology curriculum due to deployment with the military was submitted in the office. She originally enrolled in the cosmetology curriculum August 3, 2001 at Richmond Senior High School in Rockingham, North Carolina and obtained 1,120 hours. She was deployed and upon return enrolled in Queen City Beauty College in Clarksville and will be deployed again in March. She has a total of 1,230.75 hours and would like the board to allow her to retain all hours. She will not return from Afghanistan until June 2009.

MOTION was made by Ms. Linda Colley and seconded by all to allow Ms. Jackson to keep all her hours. Motion carried unanimously.

A request from Jennifer Briscoe for retention of hours that will exceed the required seven (7) years for completion in June 2008 was submitted to the office and she is present today. Ms Briscoe attended Volunteer Beauty Academy in Madison, Tennessee from June through November 2001. She details in her letter circumstances that have prevented her from completing her hours for the last several years. No illness. She wants to reenroll in cosmetology school but is aware she cannot complete the required hours in the time period prior to expiration of the hours she previously completed.

MOTION was made by Ms. Judy Golden and seconded by Ms. Linda Colley to grant Ms. Briscoe permission to return to school for her hours. Motion carried unanimously.

A request from Deborah Downs for instructor license was submitted to the office. Ms. Downs was initially license in Kentucky as a cosmetologist in 1975, she transferred her cosmetology license to Tennessee in 1984 and took the examination and obtained her cosmetology instructor license, no hours of instruction was required. She then transferred her license to South Carolina and back to Kentucky and transferred her cosmetology license back to Tennessee in 1994. She is requesting her cosmetology instructor license from Tennessee.

MOTION was made by Ms. Hazel Moore and seconded by Ms. June Huckleby to request Ms. Downs to take and pass the instructor examination to become a licensed instructor in the State of Tennessee. Motion carried unanimously.

A request from Knoxville Institute Hair Design was received in the office asking for consideration of only using one book for the cosmetology instructor examination. The complaint is the books do not use the same terminology which confused students. This issue was developed when we originally did test review in 2006 and were advised Malady would no longer publish Milady's Professional Instructor for Cosmetology, Barber Styling and Nail technology. The Board could not refer an examination to book schools were not going to be able to purchase. Milady changed their mind and the book went back into publication during examination review in 2007 it was discussed we would use both books for the instructor examination since some schools had purchased the Milady's Master Educators Student Course Book and some were still using the old book. Ms. Waller stated she would like for the board to allow her to do a little research with the schools and some of the test review individuals (Barbara Thompson) to determine what we should do. The questions are supposed to be referenced to both books but apparently the terminology is the issue. Ms. Waller will bring this back before the board at the April meeting.

The board had previously agreed to no longer require formalin in shops and schools due to the health issue. These fumigant tablets are required in student kits/supplies for examinations. Ms. Waller has had several calls wanting to know if the board will be removing these from the student kits/supplies for examinations. At the previous meeting the board only discussed shops and schools.

The board stated yes they could remove this requirement and contact PSI to have them remove it from the CIB.

The board discussed the survey performed to get information as to other state boards experience with required continuing education.

After much discussion the board voted individually on if they are for or against requiring continuing education. All the board members voted no except for one board member who did vote yes.

Consent orders totaled \$7,652.00.

Da-Vi Nails
768 South Jefferson Avenue
Cookeville, TN 38501

Violation issued November 20, 2007
Pd \$300.00 on 2-15-08

Expressions
8709 New Highway 68
Tellico Plains, TN 37385

Violation issued November 14, 2007
Pd \$300.00 on 2-11-08

International Hair Salon
227 Largo Drive
Nashville, TN 37211

Violation issued August 3, 2007
Pd \$2,000.00 on 2-13-08

Nail Topia
11928 Lebanon Road
Mt. Juliet, TN 37122

Violation issued December 20, 2007
Pd \$500.00 on 2-15-08

Pro Nails
132 St. Andrews Drive
Murfreesboro, TN 37128

Violation issued January 7, 2008
Pd \$500.00 on 2-15-08

Salon De Belleza Roxely
1911 East Main Street
Chattanooga, TN 37404

Violation issued March 17, 2007
Pd \$1,000.00 on 2-15-08

Top Nails
4340 Ringgold Road
Chattanooga, TN 37412

Violation issued January 10, 2008
Pd \$1,500.00 on 2-15-08

Xtreme Hair Designs
7416 Maynardville Hwy
Knoxville, TN 37938

Violation issued August 28, 2007
Pd \$500.00 on 2-7-08

Creative Design Beauty Academy
5510 Crossing Circle
Antioch, TN 37013

Complaint filed
Investigation cost of \$1,052.00
Pd on 2-11-08

MOTION was made by Ms. Linda Colley and seconded by Ms. Judy Golden to accept the consent orders. Motion carried unanimously.

STAFF ATTORNEY REPORT

1. Case No. L-07-COS-RBS-200706495-1/L-08-COS-RBS-2008001161

Recent investigation uncovered numerous violations, including:

- 1) 40 licenses which were not posted at the manicurists work stations
- 2) Dirty buffers in ultra violet sanitizer
- 3) Dirty towels left on manicure stations
- 4) Several ID Tags without file numbers provided
- 5) 4 individuals working at the time of inspection, the owner refused to provide licenses for the individuals.

Respondent shop also has an outstanding Consent Order with one thousand dollar (\$1,000) civil penalty for unlicensed operators.

Recommendation: Formal hearing with authority to settle by Consent Order of \$28,250

2. Case No. L-08-COS-RBS-20081161

Recent investigation revealed several violations, including:

- 1) 22 licenses were not posted at the respective worker's station
- 2) 1 license was laminated
- 3) 2 operators were not wearing name tags

Recommendation: Formal hearing with authority to settle by Consent Order of \$12,000

3. Case No. L-08-COS-RBS-2008003251

January 8, 2008 Notice of Violation states that the Inspector observed an unlicensed individual working on a client. Inspector states that she has previously observed the same individual providing services at this shop.

Prior History

12/19/03-Unlicensed activity, paid \$300.00

Recommendation: Formal hearing with authority to settle by Consent Order of \$2,000

4. Case No. L-08-COS-RBS-2008003261

January 26, 2008 Notice of Violation states that the Inspector observed an individual providing services without a valid, Tennessee license.

Prior History

08/24/04-Unlicensed activity, paid \$300

Recommendation: Formal hearing with authority to settle by Consent Order of \$1,500

5. Case No. L-08-COS-RBS-2008003271

January 25, 2008 Notice of Violation provides that Inspector observed shop owner working with a personal license that had been expired for eight (8) months at inspection time.

Recommendation: Formal hearing with authority to settle by Consent Order of \$1,000.00

6. Case No. L-08-COS-RBS-2008003291

January 24, 2008 Notice of Violation provides that the Inspector observed a full size sleeping bed in a room adjacent to the manicuring salon. She also observed an unopened bottle of MMA on a supply table, the establishment manager was not wearing her name tag, and dirty files and buffers were left in the pedicure cart.

Recommendation: Formal hearing with authority to settle by Consent Order of \$2,500

7. Case No. L-08-COS-RBS-2008003301

January 25, 2008 Notice of Violation provides that the Inspector observed an unlicensed individual providing services at inspection time. Inspector advises that this is the third instance of unlicensed activity that he has discovered involving this individual and shop.

Prior History

06/22/07- unlicensed operator, paid \$500.00

01/10/2008-unlicensed operator, paid \$1500

Recommendation: Formal hearing with authority to settle by Consent Order of \$4,000

8. Case No. L-08-COS-RBS-2008003661

January 25, 2008 Notice of Violation provides that Inspector observed an individual without a valid, Tennessee license providing services at inspection time.

Prior History

08/31/06-unlicensed operator, paid \$500.00

Recommendation: Formal hearing with authority to settle by Consent Order of \$1,500

9. Case No. L-08-COS-RBS-2008003641

January 16, 2008 Notice of Violation provides that inspector observed an unlicensed student providing services at inspection time.

Prior History

05/28/98- no shop license, paid \$500.00

02/10/05-expired shop license, \$500.00 penalty, \$400.00 paid to date

Recommendation: Formal hearing with authority to settle by Consent Order of \$1,500.00

10. Case No. L-08-COS-RBS-2007085211

Original complaint alleged insufficient ventilation in the nail technology department and that this was the cause of certain health-related problems among the students. The Inspector reported that a new ventilation system had been installed since the issue had been reported and that the school appeared to be in good order.

Recommendation: Dismiss

11. Case No. L-06-COS-RBS-2006016101

Pursuant to an investigation request dated February 14, 2008, the Inspector discovered that this unlicensed shop is now closed and out of business.

Recommendation: Dismiss

MOTION was made by Ms. Hazel Moore and seconded by Ms. Judy Golden to

accept the recommendations. Motion carried unanimously.

MOTION was made by Ms. Linda Colley and seconded by Ms. Muriel Smith to adjourn the meeting. Motion carried unanimously.